

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:04-CR-00058-MOC-DSC & 3:04-CR-0059-MOC-DSC

UNITED STATES OF AMERICA,

Vs.

SAMUEL PAUL CROOK,

Defendant.

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ORDER

THIS MATTER is before the Court on defendant's pro se Motion to Review Records and Grant New Trial in both of his cases, as captioned above.

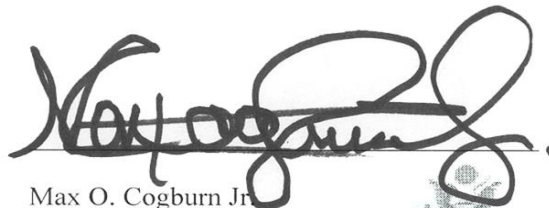
Earlier this year, defendant filed nearly identical motions, which this Court denied as defendant remained represented by counsel. Defendant appealed those Orders, and such disposition was affirmed by the Court of Appeals for the Fourth Circuit. United States v. Crook, No. 18-6484 & No. 18-6485 (4th Cir. Aug. 21, 2018). Review of the docket reveals that defendant remains represented by Mr. Lee. Thus, these motions are also barred as motions by a represented party, a violation of Local Criminal Rules 47.1(g). See United States v. Carranza, 645 F. App'x 297, 300 (4th Cir. 2016) ("A criminal defendant has no statutory or constitutional right to proceed pro se while simultaneously being represented by counsel" and "[a]ccordingly, the district court was not obligated to consider [the defendant's] pro se motions"). As nearly the same motions have been previously resolved, they are also barred under the doctrine of *res judicata*. Having considered defendant's *pro se* motions and reviewed the pleadings, the Court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's pro se Motion to Review Records and Grant New Trial (#160 in the '58 case and #129 in the '59 case) are **DENIED** as barred by the Local Criminal Rules and under the doctrine of *res judicata*.

The Clerk of Court is respectfully instructed to enter this Order in both of the above-captioned matters.

Signed: October 22, 2018



Max O. Cogburn Jr.
United States District Judge